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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,342	09/23/2003	Nidal A Samad	1321.37	2341
21901	7590	06/30/2004	EXAMINER	
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			PRINCE, FRED G	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,342

Applicant(s)

SAMAD ET AL.

Examiner

Fred Prince

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because different reference characters have both been used to designate the same part. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the same reference characters have been used to designate different parts.

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Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In line 8, "waster" has been changed to --waste--. Appropriate correction is required.
5. Claim 11 is objected to because of the following informalities: "1he" should be changed to --The--. Appropriate correction is required.
6. Claim 15 is objected to because of the following informalities: In line 1, "The" should be changed to --A--, as claim 15 is an independent claim. Appropriate correction is required.
7. Claim 15 is objected to because of the following informalities: In line 11, "waster" should be changed to --waste--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Perslow et al. (US Pat No 6,132,614)

Perslow et al. ('614), directed toward a method of treating waste water, teach the steps of collecting the wastewater in a single holding tank (col. 6, lines 62-66), exposing the waste water to an aerobic environment, exposing the waste water to an anaerobic environment (col. 4, lines 31-34), precipitating matter from the waste water whereby a supernatant water strata is formed (col. 4, lines 34-36), extracting a supernatant layer from the wastewater (col. 4, lines 38-42), and ozonating the resultant supernatant layer during extraction (col. 4, lines 47-65).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, 10-11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perslow et al. ('614).

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Per claim 5, it is well within the purview of the skilled artisan to use a precipitation time within the recited range in order to ensure that precipitation occurs to a desired degree. Accordingly, as the applicant has not provided a proper showing of any new or unexpected result, it is submitted that selecting a time period of 60-120 minutes is a matter of design choice, insufficient to patentably distinguish the claims over the prior art.

Per claims 10-11, it is submitted that it is conventional in the art to store treated water and retreat the water in order to achieve a desired degree of disinfection. Accordingly, it would have been obvious for the skilled artisan to have stored the treated water and retreated the water in order to achieve a desired degree of disinfection, as known in the art.

Per claims 13-14, Perslow et al. also disclose the use of a programmable logic controller, including timers and relays, in order to precisely control each step in a different embodiment of the invention disclosed by Perslow et al. (col. 7, lines 21-30).

It would have been obvious for the skilled artisan to have modified the embodiment applied against the instant claims by utilizing a programmable logic controller, including timers and relays, in order to precisely control each step a multi-operation process, as suggested by Perslow et al.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perslow et al. ('614) in view of Hines.

Perslow et al. is described above. Perslow et al. do not disclose a mixing block in fluid communication with a mixing loop.

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Hines, also directed to a method of treating waste water, discloses providing a mixing block in fluid communication with a mixing loop utilizing gas induction (col. 2, lines 34-47; col. 3, lines 35-57; Figs. 3 and 6) in order to, for instance, facilitate treatment of the water during variations in waste water flow.

It would have been obvious for the skilled artisan to have modified the method of Perslow by utilizing a mixing block in fluid communication with a mixing loop utilizing gas induction in order to, for instance, facilitate treatment of the water during variations in waste water flow, as suggested by Hines.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perslow et al. ('614).

Perslow et al., directed toward a method of treating waste water, disclose the steps of collecting the wastewater in a single holding tank (col. 6, lines 62-66), detoxifying the waste water to an aerobic environment, detoxifying the waste water to an anaerobic environment (col. 4, lines 31-34), precipitating matter from the waste water whereby a supernatant water strata is formed (col. 4, lines 34-36), extracting a supernatant layer from the wastewater (col. 4, lines 38-42), and ozonating the resultant supernatant layer during extraction (col. 4, lines 47-65). Perslow et al. fail to disclose precipitating for the recited time period.

It is submitted that it is well within the purview of the skilled artisan to use a precipitation time within the recited range in order to ensure that precipitation occurs to a desired degree. Accordingly, as the applicant has not provided a proper showing of any new or unexpected result, it is submitted that selecting a time period of 60-120



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minutes is a matter of design choice, insufficient to patentably distinguish the claims over the prior art.

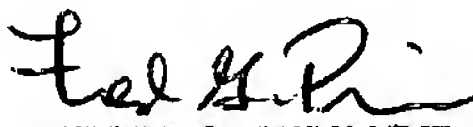
### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRED G. PRINCE**  
**PRIMARY EXAMINER**  
6/21/04